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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 SERVCO INSURANCE SERVICES
8 WASHINGTON LLC,

9 Plaintiff,

10 v.

11 JAY SOROKA, *et al.*,

12 Defendants.


Case No. C20-0313RSL

ORDER TO SHOW CAUSE

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14 This matter comes before the Court *sua sponte*. On February 26, 2020, defendants
15 removed this action to federal court alleging that the Court has jurisdiction based on the
16 diversity of citizenship of the parties. *See* 28 U.S.C. § 1332(a) (establishing that the
17 federal court’s basic diversity jurisdiction extends to “all civil actions where the matter in
18 controversy exceeds . . . \$75,000 . . . and is between . . . citizens of different States.”).
19 “For a case to qualify for federal jurisdiction under 28 U.S.C. § 1332(a), there must be
20 complete diversity of citizenship between the parties opposed in interest.” *Kuntz v. Lamar*
21 *Corp.*, 385 F.3d 1177, 1181 (9th Cir. 2004) (internal citation omitted). In examining
22 whether complete diversity is present, the citizenship of a limited liability company is
23 determined by examining the citizenship of the owners/members. *See Johnson v.*
24 *Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (holding that “like a
25 partnership, an LLC is a citizen of every state of which its owners/members are citizens”).

1 Defendants have not alleged the citizenship of each owner/member of Servco
2 Insurance Services Washington, LLC, instead noting that the LLC is organized under the
3 laws of Delaware, acknowledging that the identities of the members are unknown, but
4 nevertheless asserting that the members are not domiciled in Washington. These
5 assertions are insufficient to meet defendants' burden of establishing the basis of the
6 Court's jurisdiction. *See Indus. Tectonics, Inc. v. Aero Alloy*, 912 F.2d 1090, 1092 (9th
7 Cir. 1990) ("The party asserting jurisdiction has the burden of proving all jurisdictional
8 facts"); Fed R. Civ. P. 12(h)(3) ("If the Court determines at any time that it lacks subject-
9 matter jurisdiction, the court must dismiss the action"). Defendants state that they have no
10 idea who the members of the LLC are but that they believe they are not Washington
11 citizens: the citizenship allegation appears to be nothing more than speculation.¹ As a
12 result, defendants are ORDERED TO SHOW CAUSE by March 13, 2020, why the Court
13 should not remand this action by providing the Court with the citizenship of all of the
14 owners/members of Servco Insurance Services Washington, LLC, at the time the
15 complaint was filed. The Clerk of the Court is directed to place this order to show cause
16 on the Court's calendar for that date.

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18 Dated this 28th day of February, 2020.

19 
20 Robert S. Lasnik
21 United States District Judge
22

23
24 ¹ Publicly-available information does not support defendants' speculative assertion of
25 non-citizenship: a search of the Washington Secretary of State's business records identifies
26 plaintiff's individual members as of August 2019, at least some of whom appear to be citizens of
Washington.